

REMARKS/ARGUMENTS

Claims 1-5, 7-14, and 16-22 are now pending in this application. Claims 1 and 10 are Independent claims. Claims 1 and 10 have been amended. Claim 23-31 have been withdrawn.

Claim Rejections – 35 USC § 103(a)

Claims 1-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Elazar in view of Parks et al., USPN: 7,146,504 (hereinafter: Parks). (Pending Office Action, Page 3). Applicant respectfully traverses these rejections.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest *all* the claim limitations.” (emphasis added) (MPEP § 2143). “If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious.” (emphasis added) *In re Fine*, 837 F. 2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988). Applicant points out that Independent Claim 10 recites elements which have not been disclosed, taught or suggested by any of the above-cited references of the present invention, either alone or in combination.

Independent Claims 1 and 10 generally recite the following:

“said trusted authority being in a vault and being configured for being operated according to at least one of: encryption measures and security measures.....wherein all operations carried out by resource sets operating in an interior of the buried nucleus are inaccessible for inspection without heroic means, said operations including deciphering of a key provided to the buried nucleus via the secure protocol.”

In the present invention, the trusted authority may be in a vault. (Present Application, Page 13, Paragraph 0041). Further, in the present invention, the trusted authority may be configured for being operated according to encryption measures and/or

security measures. (Present Application, Page 13, Paragraph 0041). Also, in the present invention, all operations (ex. – deciphering of a key provided to the buried nucleus via the secure protocol) carried out by resource sets interior to the buried nucleus are inaccessible to an attacker. (Present Application, Page 14, Paragraph 0045). The above-referenced elements promote security advantages provided by the architecture of the present invention. Nowhere in the cited references (Elazar or Parks) are the above-referenced elements (ex. – the trusted authority being in a vault) either disclosed, taught, or suggested. Therefore, a prima facie case of obviousness has not been established for Independent Claims 1 and 10 of the present application. Thus, Independent Claims 1 and 10 should be allowed. Further, Dependent Claims 2-5 and 7-9 (which depend on Independent Claim 1 and Dependent Claims 11-14 and 16-22 (which depend on Independent Claim 10) should also be allowed.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the pending claims is earnestly solicited.

Respectfully submitted on behalf of

LSI Logic,

By: 

Jeffrey M. Andersen

Reg. No. 52,558

Dated: March 30, 2009

Jeffrey M. Andersen

SUITER • SWANTZ PC LLO

14301 FNB Parkway, Suite 220

Omaha, NE 68154

(402) 496-0300

telephone

(402) 496-0333

facsimile